

### **REMARKS**

Claims 1-38 are pending in the application and stand rejected. By the above amendment, claims 1, 23 and 34 have been amended.

The Office Action erroneously indicates that only claims 1-25 and 27-38 are pending (i.e., presumably that claim 26 has been canceled). This indication is incorrect because although the Amendment filed on January 23, 2004 requested cancellation of claim 26, the Amendment of January 23, 2004 was not entered as *per* the Advisory Action mailed on February 11, 2004 (Paper No. 9.), and no request was subsequently made by Applicant to enter such unentered amendment. Moreover, no claims were canceled in Applicant's previous Amendment filed on February 23, 2004 in connection with an RCE.

Applicant respectfully requests reconsideration of the claim rejections in view of the above amendments and following remarks

#### **Claim Rejections- 35 U.S.C. § 101**

Claim 34 stands rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter for the reasons set forth on page 1 of the Office Action. Applicant respectfully traverses the rejection.

On page 1 of the Office Action, although Examiner cites *Warmerdam* and MPEP section 2106 as support for the rejection of claim 34, Examiner provides absolutely no explanation or analysis as to how claim 34 is directed to "non statutory subject matter" based on the principles of *Warmerdam* or the principles set forth in MPEP 2106.

As noted in MPEP sections 2106 (IV)(A) and (B), for example, 35 U.S.C. 101 generally prohibits patenting subject matter regarding “abstract ideas”, such as “data structures” (physical or logical relationships among data elements) or methods based on the manipulation of basic mathematical constructs.

Claim 34 is directed to a method for accessing information over a communications network. In general, in the method of claim 34, an access device is used for establishing communication with a conversational portal, the conversational portal adapts an interaction dialog with the access device based on a modality of the access device. The conversational portal retrieves a content page in response to a user request, and then presents or serves the content page to the user in a format that is compatible with a modality of the access device by converting the retrieved page, if necessary.

Examiner does not explain how, nor can Examiner reasonably contend, that claim 34 is directed to a method that covers some “abstract idea” or some “data structure”. Thus, Applicant respectfully requests withdrawal of this rejection.

**Claim Rejections- 35 U.S.C. § 102**

Claims 1-25 and 27-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,501,832 to Saylor et al. In addition, claim 1 stands rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,430,624 to Jamtgaard.

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained

in the claim. (See MPEP § 2131). The single prior art reference must disclose all of the elements of the claimed invention functioning essentially in the same manner (see, Shanklin Corp. v. Springfield Photo Mount Corp, 521 F.2d 609 (1<sup>st</sup> Cir. 1975)).

Here, at the very minimum, Applicant respectfully submits that Saylor does not anticipate the inventions of claims 1, 23 or 34. For instance, with regard to claims 1 and 23, Saylor does not disclose *a conversational portal comprising a conversational browser which provides a conversational user interface to enable access to the conversational portal across a plurality of different modalities including an audio modality and a non-audio modality*, as essentially claimed. Indeed, Saylor discloses a Voice Portal system, which includes a voice browser that is capable of interaction only in one modality, i.e., audio modality. Saylor teaches that the disclosed Voice Portal system (i) is accessible by a user via voice or DTMF via “telephony devices”, (ii) only performs mono-modal dialog via a “voice browser” and (iii) only provides “voice content” by serving or processing only pre-constructed Vpages (voice modality). As such, it is clear that Saylor does *not* disclose or suggest *a conversational portal having a conversational browser which provides a conversational user interface to enable access to the conversational portal across a plurality of different modalities including audio and non-audio modalities*, as essentially claimed in claims 1 and 23.

Furthermore, with respect to claim 34, for example, Saylor does not disclose a *conversational portal adapting an interaction dialog with the access device based on the at least one modality of the access device, wherein adapting the interaction dialog includes adapting the interaction dialog to an audio modality and a non-audio modality*.

as essentially claimed in claim 34. Again, the portal disclosed in Saylor is limited to an audio modality, and the portal does not include a mechanism for adapting interaction dialog in other modalities.

Furthermore, Applicant respectfully submits that Jamtgaard does not anticipate claim 1. At the outset, Applicants submits that the contention that anticipation of claim 1 is based on Jamtgaard “teaching substantial features” of the claimed invention of claim 1 is not the proper standard for anticipation. Indeed, Examiner must show that Jamtgaard discloses the identical invention and all claim elements (not substantial features).

However, Jamtgaard discloses a content delivery system wherein a user directly and independently accesses a web site (not via a portal) and wherein the web site accesses a translation server (12) only if the requesting device is not compatible with the format of the content pages supported by the accessed web site (see, e.g., Col. 7, lines 12-30). The translation server (12) acts as a proxy server for an Internet content provider to translate content pages if needed, but the translation server (12) clearly does not function as a portal site. There is nothing in Jamtgaard that remotely discloses or suggests *a conversational portal that comprises a conversational browser which provides a conversational user interface to enable access to the conversational portal across a plurality of different modalities including an audio modality and a non-audio modality, much less a conversational browser/portal that adapts an interaction dialog between the conversational portal and the access device based on the at least one modality of the access device wherein adapting the interaction dialog includes adapting the interaction dialog to an audio modality and a non-audio modality*, as essentially claimed in claims 1,

23 and/or 34.

Therefore, for at least the above reasons, claims 1, 23 and 34 are patentable and non-obvious over Saylor and Jamtgaard . Furthermore, all pending claims that depend from claims 1, 23 and 34 are believed to be patentable over the cited combination at least by virtue of their dependence from respective base claims 1, 23 and 34.

Respectfully submitted,



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